

# TRANSMITTAL FORM

Application No.:	10/642,912
Filing Date:	August 18, 2003
Confirmation No.:	3185
First Named Inventor:	Douglas LeCrone, et al
Group Art Unit	2114
Examiner:	Chu, Gabriel L.
Customer No.	24227
Docket No.	EMC-97-153CON1

Total Number of Pages in this Submission:

## ENCLOSURES (check all that apply)

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889 (in duplicate) | <input type="checkbox"/> Assignment<br><input type="checkbox"/> Recordation Cover Sheet                                   | <input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate) |
| <input type="checkbox"/> Amendment  | <input type="checkbox"/> Declaration/Power of Attorney<br><input type="checkbox"/> Associate Power of Attorney            | <input checked="" type="checkbox"/> Form PTOL-85B, Part B - Issue Fee Payment Transmittal, (in duplicate)                  |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Revocation of Power of Attorney  | <input type="checkbox"/> Fee Transmittal (in duplicate)  |
| <input type="checkbox"/> Affidavits/Decl.   | <input type="checkbox"/> Formal Drawings  | <input type="checkbox"/> Status Inquiry  |
| <input checked="" type="checkbox"/> 103(c) Statement  | <input type="checkbox"/> Letter to Official Draftsperson with ___ sheets of Formal Drawings, Figs. 1 through 11, labeled. | <input checked="" type="checkbox"/> Certificate of First Class Mailing   |
| <input type="checkbox"/> Extension of Time Request for 3 Months   | <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review"  | <input type="checkbox"/> Certificate of Express Mail Mailing   |
| <input type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> Certified Copy of Priority Document(s)   | <input checked="" type="checkbox"/> Postcard   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application   |   | <input type="checkbox"/> Additional Enclosures:  |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

July 26, 2007  
Date

Penelope S. Wilson  
EMC Corporation  
Office of the General Counsel  
176 South Street  
Hopkinton, MA 01748

Tel: (508) 508-293-7998

Fax: (508) 293-7189

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

I hereby certify that this correspondence and the above-referenced documents are being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703)

July 26, 2007  
Date

Sandra A. Kulaga  
Signature

Sandra A. Kulaga

Typed or printed name of person signing certificate



**PATENT**  
**EMC-97-153CON1**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>APPLICANT:</b>	Douglas LeCrone	<b>GROUP ART UNIT:</b>	2114
<b>U.S.S.N.:</b>	10/642,912	<b>CONFIRMATION NO.:</b>	3185
<b>FILING DATE:</b>	August 18, 2003	<b>EXAMINER:</b>	Chu, Gabriel L.
		<b>CUSTOMER NO.</b>	<b>24227</b>
<b>TITLE:</b>	<b>HOST SYSTEM FOR MASS STORAGE BUSINESS CONTINUANCE VOLUMES</b>		

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 26, 2007.

*Sandra A. Kulaga*

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF ISSUE FEE**

**AND 103(C) STATEMENT**

Sir:

Enclosed herewith for filing are the following documents:

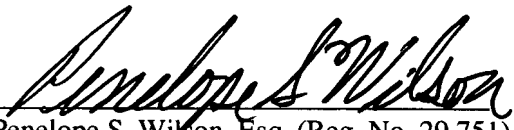
Applicant: Douglas LeCrone, *et al.*  
U.S.S.N.: 10/642,912  
Filing Date: August 18, 2003  
EMC Docket No.: EMC-97-153CON1

1. Form PTOL-85B, "Part B – Issue Fee Payment Transmittal" (in duplicate), and authorization for the Commissioner to charge Deposit Account No. 05-0889 for fees associated with this transaction; and.

2. 103(c) Statement.

Respectfully submitted,

Dated: July 26, 2007

  
Penelope S. Wilson, Esq. (Reg. No. 29,751)  
Attorney for Applicant  
EMC Corporation  
176 South Street  
Hopkinton, MA 01748  
Telephone: (508) 293-7998  
Facsimile: (508) 293-7189



PATENT  
EMC-97-153CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>APPLICANT:</b>	Douglas LeCrone, et al	<b>GROUP ART UNIT:</b>	2114
<b>U.S.S.N.:</b>	10/642,912	<b>CONFIRMATION NO.:</b>	3185
<b>FILING DATE:</b>	August 18, 2003	<b>EXAMINER:</b>	Chu, Gabriel L.
		<b>CUSTOMER NO.</b>	<b>24227</b>
<b>TITLE:</b>	<b>HOST SYSTEM FOR MASS STORAGE BUSINESS CONTINUANCE VOLUMES</b>		

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 26, 2007.

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**103(C) STATEMENT**

Sir:

This is a 103(c) Statement to address any ownership issues for U.S. Patent No. 6,067,199 to Blumenau ("Blumenau") in reference to the instant application which were raised during the telephonic Examiner interview held on May 11, 2007.

Applicant: Douglas LeCrone, *et al.*  
U.S.S.N.: 10/642,912  
Filing Date: August 18, 2003  
EMC Docket No.: EMC-97-153CON1

“Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c)” (<http://www.uspto.gov/web/offices/com/sol/og/2000/week52/patcommn.htm>) states as follows:

Henceforth, applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to, the same person, at the time the invention was made, if the applicant(s) or the attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

This new (modified) policy will apply when an applicant seeks to exclude a reference available under 35 U.S.C. 102(e), (f) and/or (g) pursuant to 35 U.S.C. 103(c). This policy applies for applications filed on or after November 29, 1999 where a reference available under 35 U.S.C. 102(e) is sought to be excluded, and any application where a reference available under only 35 U.S.C. 102 (f) and/or (g) is sought to be excluded.

Attorney of record hereby states that the instant application and Blumenau (U.S. Patent No. 6,067,199) were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person (EMC Corporation). The assignment of Blumenau to EMC Corporation was executed on June 27, 1997 and was recorded with the U.S. Patent and Trademark Office on June 30, 1997 (Reel/Frame 008664/0844). A copy of this assignment and the notice of recordation are included in Exhibit A. The assignment of the instant application to EMC Corporation was executed on March 9, 1998. A copy of this assignment is included in Exhibit B.

Applicant: Douglas LeCrone, *et al.*  
U.S.S.N.: 10/642,912  
Filing Date: August 18, 2003  
EMC Docket No.: EMC-97-153CON1

In the event the Examiner deems personal contact desirable in the disposition of this case,  
the Examiner is invited to call the undersigned attorney at (508) 293-7998.

Respectfully submitted,

July 26, 2007  
Date

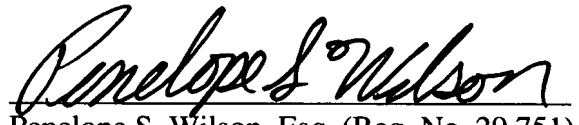
  
Penelope S. Wilson, Esq. (Reg. No. 29,751)  
Attorney for Applicants  
EMC Corporation  
Office of the General Counsel  
176 South Street  
Hopkinton, MA 01748  
Telephone: (508) 293-7998  
Facsimile: (508) 293-7189



Exhibit A

Assignment and Notice of Recordation for U.S. Patent No. 6,067,199 to Blumenau

40-581  
Attorney's Docket No. 0296/7026 RFG

A/H  
06/30/97  
08/08/97  
08/08/97

MA06-30-97

REC

09-04-1997

HEET

FORM PTO-1595  
(Rev. 6-93)  
OMB No. 0651-0011 (exp. 4/94)



100522705

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Assistant Commissioner for Patents: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Steven M. Blumenau

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: June 27, 1997

2. Name and address of receiving party(ies)

Name: EMC Corporation

Internal Address:

Street Address: 171 South Street

Hopkinton, MA 01745

Additional name(s) & addresses(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is June 27, 1997

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence  
Concerning document should be mailed:

Name: Richard F. Giunta  
Address: WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

The Commissioner is authorized to charge:

8. Deposit Account No: 23/2825

7/26/1997 KHALING 00000006 08085639  
FC:541

40.00-00

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard F. Giunta

Name of Person Signing

Richard F. Giunta

Signature

6/30/97

Date

Total number of pages including cover sheet, attachments, and document: [3]

Assistant Commissioner for Patents,  
Washington, D.C. 20231

Exhibit A

Assignment and Notice of Recordation for U.S. Patent No. 6,067,199 to Blumenau

E0295/7026

**ASSIGNMENT**

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned Steven M. Blumenau, 170 Holly Lane, Holliston, MA 01746 do hereby

Sell, assign and transfer to EMC Corporation, a Massachusetts corporation having a place of business at 171 South Street, Hopkinton, MA 01745, its successors, assigns and legal representatives, all hereinafter referred to as the Assignee, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent executed of even date herewith and entitled **METHOD AND APPARATUS FOR INCREASING DISC DRIVE PERFORMANCE**, and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said Assignee may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said Assignee, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said Assignee all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said Assignee shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said Assignee.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said Assignee.

Covenant with said Assignee that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to



Exhibit A  
Assignment and Notice of Recordation for U.S. Patent No. 6,067,199 to Blumenau

others by us, and that full right to convey the same as herein expressed is possessed by us.

Dated: June 27, 1997

Steve M. Blumenau  
STEVE M. BLUMENAU  
STEVEN

*Commonwealth*  
STATE OF Massachusetts :  
COUNTY OF Middlesex :

Subscribed and sworn to before me this 27<sup>th</sup> day of June, 1997.

SEAL

Marsha R. Ballantyne  
Notary Public

My Commission Expires \_\_\_\_\_

MARSHA R. BALLANTYNE  
Notary Public  
My Commission Expires October 2, 2003

Exhibit B  
Assignment for EMC-97-153CON1

Atty.Dkt #: EM97-009

ASSIGNMENT

WHEREAS, Douglas LeCrone and Bruce A. Pocock have made certain inventions or discoveries (or both) set forth in an Application for Letters Patent of the United States of America entitled Host System for Mass Storage Business Continuance Volumes, the specification of which:

- ☒ was executed by us on the date(s) indicated below;
- ☐ was filed on    as Application Serial No   ;
- ☐ was patented under U.S. Patent No.    on   ;

WHEREAS, EMC Corporation, a corporation of the Commonwealth of Massachusetts, whose address is 35 Parkwood Drive, Hopkinton, MA 01748, and who, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the entire right, title, and interest together with the benefits and privileges hereinafter recited;

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation;

1. Assign, transfer and convey to Assignee the entire right, title and interest together with the benefits and privileges in and to said inventions and discoveries, said Application for Letters Patent or similar forms of protection of the United States of America, and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said application, and any and all Letters Patent, reissues and extensions of Letters Patent or similar forms of protection granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

Exhibit B  
Assignment for EMC-97-153CON1

Atty.Dkt #: EM97-009

2. Authorize Assignee to file patent applications in any or all countries or groups of countries on any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or any other relevant convention or treaty or otherwise;

3. Authorize and request the Commissioner of patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as Assignee of the entire right, title and interest therein or otherwise as Assignee may direct;

4. Warrant that we have not knowingly conveyed to others any rights in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonable serving to assure that said inventions and discoveries, said patent applications and said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other

Exhibit B  
Assignment for EMC-97-153CON1

Atty.Dkt #: EM97-009

physical exhibits in our control or in the control of our heirs, legal representatives or assigns which may be useful for establishing any facts of our conceptions, disclosures, and reduction to practice of said inventions or discoveries.

IN WITNESS WHEREOF:

DATE I EXECUTED APPLICATION: \_\_\_\_\_

Today's Date: 2/17/98

Name: Douglas LeCrone

Signature: 

STATE OF: Massachusetts

COUNTY OF: Middlesex

On this 9<sup>th</sup> day of March, 1998, before me personally appeared Douglas LeCrone known to me to be the person described in and who executed the foregoing instrument, and who acknowledged that he/she executed the same as his/her free act and deed.



Notary Public

My Commission Expires: April 21, 2000

IN WITNESS WHEREOF:

DATE I EXECUTED APPLICATION: 3/9/98

Today's Date: 3/9/98

Exhibit B  
Assignment for EMC-97-153CON1

Atty.Dkt #: EM97-009

Name: Bruce A. Pocock  
Signature: Bruce A. Pocock  
STATE OF: Massachusetts  
COUNTY OF: Middlesex

On this 9<sup>th</sup> day of March, 1998, before me personally  
appeared Bruce A. Pocock known to me to be the person described in and  
who executed the foregoing instrument, and who acknowledged that he/she  
executed the same as his/her free act and deed.

Heather Lynn LaPointe

Notary Public

My Commission Expires April 21, 2000

My Commission Expires: \_\_\_\_\_